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United States District Court  
Eastern District of California

Royce A. Pearson,  
Plaintiff, Civ. No. S-05-0873 DFL PAN P  
vs. Order  
DVI Medical Dept., et al.,  
Defendants.

-oOo-

Plaintiff, a prisoner without counsel, seeks to commence a  
civil rights action.

To commence a civil action a plaintiff must pay the \$250.00  
filing fee required by 28 U.S.C. § 1914(a) or request leave of  
court to proceed in forma pauperis and submit the affidavit and  
trust account statement required by 28 U.S.C. § 1915(a).

Plaintiff has neither paid the fee nor submitted a proper  
application for leave to proceed in forma pauperis.

Within 30 days from the day this order is signed plaintiff may submit either the filing fee or the application required by § 1915(a). The clerk of the court is directed to mail to plaintiff a form application for leave to proceed in forma pauperis. Failure to comply with this order will result in this file being closed.

So ordered.

Dated: May 10, 2005.

/s/ Peter A. Nowinski

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PETER A. NOWINSKI

Magistrate Judge